



# 7 DESIGN REVIEW AND DEVELOPMENT APPROVAL PROCESS

## DESIGN REVIEW AND DEVELOPMENT APPROVAL PROCESS

## ***Redevelopment Permits***

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### **Administrative Responsibilities**

The Housing and Redevelopment Director shall have the responsibility for the administration of the Redevelopment Permit process. The Director's duties include, but are not limited to, the following:

1. Reviewing applications and making a determination of completeness for processing purposes;
2. Making project exempt determinations as related to permit requirements or identifying the type of redevelopment/coastal development permit required, if project is not exempt;
3. Maintaining records of project exempt determinations as related to requirements for redevelopment or coastal development permits;
4. Approval or denial of administrative permits;
5. Referral of non-administrative permits to the Design Review Board and Housing and Redevelopment Commission, as appropriate; and
6. Physical preparation and delivery of the approving documents and permits related to the subject project.

Staff of the Housing and Redevelopment Department, acting under the supervision of the Housing and Redevelopment Director, shall be responsible for coordinating all activities leading to the approval, conditional approval, or denial of Redevelopment Permits. Such activities may include, but are not limited to, document processing, report writing, scheduling of Design Review Board and Housing and Redevelopment Commission public meetings and hearings, and preparation of recommendations, meeting minutes and resolutions.

### **General Policy**

Due to the complexity of overlapping areas of authority, the permit process for the Village Redevelopment Area has been designed to address 1) the goals and objectives for the Village Redevelopment Area as a whole; and 2) the goals and objectives of the Coastal Commission for the portion of the Village Redevelopment Area which lies within the Coastal Zone Boundaries.

The permit structure which is summarized on the following page ( ) combines the permit requirements for the redevelopment area and the coastal zone.

Unless a project is exempt from the permit requirements noted herein and set forth in Chapter 21.35 of the Carlsbad Municipal Code, a redevelopment permit is required. If the property for the subject project is also located in the Coastal Zone, a coastal development permit is required in addition to the redevelopment permit, unless the project is exempt as noted herein and set forth in Chapter 21.81 of the Carlsbad Municipal Code.

### **Exempt Projects**

Projects in the Village Redevelopment Area which are exempt from Coastal Development Permits, per the Coastal Commission Act, are also exempt from Redevelopment Permit requirements.

### **Administrative Projects**

Projects which are eligible for an administrative redevelopment permit are also eligible for an administrative coastal development permit.

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### **Minor or Major Redevelopment Projects**

For projects within the coastal zone, a coastal development permit will be processed concurrently with the minor or major redevelopment permit. As a note, variances can only be approved by the Design Review Board or Housing and Redevelopment Commission. A minor or major redevelopment permit, therefore, will be required for any project application which includes a request for a variance, even if that project would have otherwise been exempt from the permit requirements or eligible for an administrative permit.

The various types of permits required within the Village Redevelopment Area are further defined within Chapters 21.35 and 21.81 of the Carlsbad Municipal Code. The policies and procedures for processing redevelopment and coastal development permits are further defined within the Housing and Redevelopment Commission Policies and Procedures Manual.

### **Variances**

Variances for projects will be processed concurrently with any other administrative or discretionary permits which may be required. However, they will be processed as a separate action item. Chapter 21.35 of the Carlsbad Municipal Code defines the types of variances which can be granted administratively by the Housing and Redevelopment Director and those which must receive approval from the Design Review Board or Housing Commission and Redevelopment Commission.

## PERMIT TYPES

Exempt	Administrative Redevelopment	Minor Redevelopment	Major Redevelopment
<ol style="list-style-type: none"> <li>Interior or Exterior improvements to existing structures which do not result in the intensity of use of a structure<sup>1</sup>; and/or</li> <li>Additions to existing structures which result in a cumulative increase of less than 10% of the internal floor area; and/or</li> <li>Changes in permitted land uses which do not require site changes, result in increased ADT, result in increased parking requirements, or result in compatibility issues or problems; and/or</li> <li>Landscaping on the lot unless it will result in erosion or damage to sensitive habitat; and/or</li> <li>Repair or Maintenance Activities<sup>2</sup>; and /or</li> <li>Activities of public utilities; and</li> <li>Project does not require a variance of any type.</li> </ol>	<ol style="list-style-type: none"> <li>New construction of building(s) or addition(s) to the building footprint which have a building permit valuation which is equal to or less than \$60,000; and/or</li> <li>Interior or Exterior improvements to existing structures which result in an intensity of use; and/or</li> <li>Provisional Land Uses, where a minor or major redevelopment permit is not required.</li> <li>Changes in permitted land uses which result in site changes, increased ADT, increased parking requirements, or result in compatibility issues/problems; and/or</li> <li>Signs for existing businesses or facilities; and/or</li> <li>Repair or Maintenance Activities which are not exempt; and</li> <li>Project does not require a variance of any type.</li> </ol>	<ol style="list-style-type: none"> <li>New construction of building(s) or addition(s) to the building footprint which have a building permit valuation which is greater than \$60,000 but less than \$150,000.</li> <li>Variances for projects within this category and those which would otherwise be exempt or be eligible for an administrative permit as indicated within this chart.</li> </ol>	<ol style="list-style-type: none"> <li>New construction of building(s) or addition(s) to the building footprint which have a building permit valuation which is greater than \$150,000.</li> <li>Variances for projects within this category.</li> </ol>

<sup>1</sup> See Section 21.81.030 of the Carlsbad Municipal Code for exceptions to when a project is exempt from permit requirements for redevelopment and/or coastal development purposes.

<sup>2</sup> See Section 21.81.035 of the Carlsbad Municipal Code for exceptions to when a project is exempt from permit requirements for redevelopment or coastal development purposes.

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## ***Redevelopment Permits***

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### **Authority for Approval**

**Exempt Projects** The Housing and Redevelopment Director shall be responsible for determining whether or not a project is exempt from the permit requirements and maintaining the record of exemption.

**Administrative Permits** The Housing and Redevelopment Director shall have the authority to approve, approve with conditions, or deny an administrative permit for an eligible administrative permit. No action is needed by the Design Review Board or the Housing and Redevelopment Commission.

**Minor Administrative Permits** The Design Review Board shall have the authority to approve, approve with conditions, or deny Minor Redevelopment Permits. The Design Review Board shall also act upon appeals from decisions made by the Housing and Redevelopment Director.

**Major Redevelopment Permits** The Housing and Redevelopment Commission shall have the authority to approve, approve with conditions, or deny Major Redevelopment Permits following receipt of a recommendation from the Design Review Board. The Commission shall also act upon appeals from decisions made by the Design Review Board.

### **Consolidation of Permits**

Whenever several different types of permits or approvals are required for a project, the decision-making body on all of the permits shall be the body with the highest level authority on any of the individual permits. This means that the Director, or the Design Review Board or the Housing and Redevelopment Commission will be the decision-making body on all actions, including the highest and lowest level permits.

### **Appeal Process**

**Exempt Projects.** For projects within the Coastal Zone, the Executive Director of the Coastal Commission, or the Coastal Commission, shall have the authority to resolve disputes regarding determinations of exemptions. For projects located within the Redevelopment Area but not in the Coastal Zone, the determination of exemption made by the Housing and Redevelopment Director shall be final.

**Administrative Permits.** An appeal of a decision made by the Housing and Redevelopment Director on administrative permits may be made to the Design Review Board. All appeals must be made in writing within ten (10) calendar days of the decision made by the Housing and Redevelopment Director. The decision of the Design Review Board on appeals is final.

**Minor Redevelopment Permits.** An appeal of a decision made by the Design Review Board on minor redevelopment permits may be made to the Housing and Redevelopment Commission. All appeals must be made in writing within ten (10) calendar days of the decision made by the Design Review Board. The decision of the Housing and Redevelopment Commission on appeals is final.

**Major Redevelopment Permits.** There is no appeal from a decision made by the Housing and Redevelopment Commission on major redevelopment permits.

**Coastal Development Permits.** If a project is located within the Coastal Zone of the Village Redevelopment Area and the local action is appealable to the Coastal Commission, an appeal must be submitted directly to the Coastal Commission. Any person who wishes to appeal a local action which is appealable to the Coastal Commission should contact the Housing and Redevelopment Department or the local Coastal Commission office for more information.

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## **DESIGN REVIEW AND DEVELOPMENT APPROVAL PROCESS**

## **Coastal Development Permits**

Unless found to be exempt, all development within the Coastal Zone segment of the Village Redevelopment Area shall be subject to prior issuance of a Coastal Development Permit. This permit may be administratively approved by the Housing and Redevelopment Director or subject to discretionary approval by the Design Review Board or Housing and Redevelopment Commission. The permit summary chart on page ( ) outlines the types of permits to be issued for redevelopment projects. These permit types apply to coastal development projects as well. For example, if a redevelopment project is located in the coastal zone and is eligible for an administrative redevelopment permit, then an administrative coastal development permit will also be processed for the project.

The administrative responsibilities identified for the Housing and Redevelopment Director as well as staff of the Housing and Redevelopment Department shall also apply to the processing of coastal development permits.

The appeal process is also the same for coastal development permits, with the exception that some permits issued within the Coastal Zone are appealable to the Coastal Commission.

### **Processing Permits**

The chart which follows this page is provided to assist the applicant in understanding the steps which will generally be taken by staff and the appropriate approving bodies to process and application for a redevelopment permit.

It should be noted that approval of a redevelopment or coastal development permit is the first step for completing a project within the Village Redevelopment Area. Other permits, such as building permits or business licenses, may also be required prior to initiation of a project or a business. If a redevelopment or coastal development permit is required, the applicant will **not** be able to obtain approval of any other required permits until the redevelopment and/or coastal development permit has been approved by the appropriate body.

The Housing and Redevelopment Commission Policies and Procedures Manual should also be referenced for information on the processing of redevelopment and coastal development permits within the Village Redevelopment Area.

## PERMIT PROCESSING PROCEDURES

Exempt	Administrative Coastal and Redevelopment Permits	Minor Coastal and Redevelopment Permits	Major Coastal and Redevelopment Permits
<p>Staff completes exempt documentation.</p> <p>Copy of exempt documentation is provided to applicant and placed in the appropriate file.</p> <p>Applicant applies for other permits or licenses, including appropriate building permits and business license.</p> <p><b>Process Ends.</b></p>	<p>Applicant meets with Redevelopment Staff for conceptual review.</p> <p>Applicant submits permit application and appropriate exhibits to Community Development Department.</p> <p>Application is reviewed for completeness and identification of issues.</p> <p>If application is complete, processing begins. Application is then reviewed by all appropriate departments and comments are provided to the H&amp;R Director. If not complete, application is returned to applicant for resubmission at later date.</p> <p>CEQA review is performed by Planning Department (<i>once application is complete</i>). Thirty (30) day review period is provided for comments on environmental documentation, if applicable.</p> <p>Based upon comments from reviewing departments, a preliminary decision is made by the Housing and Redevelopment Director to approve, approve with conditions or deny the requested project permit.</p> <p>Appropriate persons are notified of pending decision and invited to provide comments on the decision, either verbally or in writing to the H&amp;R Director during a ten (10) day public review. (<i>Note: If the project is located within the appealable area of the Coastal Zone, an administrative public hearing will be held and properly noticed prior to the rendering of a final decision</i>).</p>	<p>Applicant meets with Redevelopment Staff for conceptual review.</p> <p>Applicant submits permit application and exhibits to Community Development Department.</p> <p>Application is reviewed for completeness and identification of issues.</p> <p>If application is complete, processing begins. Application is then reviewed by all appropriate departments and comments are provided to the Housing &amp; Redevelopment Director. If not complete, application is returned to applicant for resubmission.</p> <p>CEQA review is performed by Planning Department (<i>once application is complete</i>). Thirty (30) day review period is provided for comments on environmental documentation, if applicable.</p> <p>Based upon comments, staff prepares a report with recommendation for Design Review Board action.</p> <p>Staff sets agenda for Design Review Board public hearing. Appropriate notification is provided for the public hearing on the permit. DRB holds a public hearing, considers comments and then approves, approves with conditions or denies the permit.</p>	<p>Applicant meets with Redevelopment Staff for conceptual review.</p> <p>Applicant submits permit application and exhibits to Community Development Department.</p> <p>Application is reviewed for completeness and identification of issues.</p> <p>If application is complete, processing begins. Application is then reviewed by all appropriate departments and comments are provided to the Housing &amp; Redevelopment Director. If not complete, application is returned to applicant for resubmission.</p> <p>CEQA review is performed by Planning Department (<i>once application is complete</i>). Thirty (30) day review period is provided for comments on environmental documentation, if applicable.</p> <p>Based upon comments, staff prepares a report with recommendations for Design Review Board's recommended action to the Housing and Redevelopment Commission.</p> <p>Staff sets agenda for Design Review Board public hearing. Appropriate notification is provided for the public hearing on the permit. Design Review Board holds a public hearing, considers comments and then takes action to approve a recommendation for the Housing and Redevelopment Commission to approve or deny the permit.</p>

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## PERMIT PROCESSING PROCEDURES *(Cont'd)*

Exempt	Administrative Coastal and Redevelopment Permits	Minor Coastal and Redevelopment Permits	Major Coastal and Redevelopment Permits
	<p>If project is denied, applicant may appeal to Design Review Board; no further notice to interested parties is provided unless project is appealed by applicant.</p> <p>If project is <b>approved</b> by the Director, appropriate persons will be notified of the final decision and given ten (10) calendar days to appeal the decision to the Design Review Board. Following expiration of the ten (10) day appeal period and if no appeal is filed, applicant applies for other appropriate permits and licenses. <i>(Note: If the project is located within the appealable area of the Coastal Zone, an additional ten (10) day appeal period is provided to interested parties).</i></p> <p>Once all applicable appeal periods have expired and no appeals have been filed, or the appeals have been resolved, the applicant may apply for other permits or licenses.</p> <p><b>Process Ends.</b></p>	<p>If project is denied, applicant may appeal to Design Review Board; no further notice to interested parties is provided unless project is appealed by applicant.</p> <p>If project is <b>approved</b> by the Design Review Board, the decision is appealable to the Housing and Redevelopment Commission for ten (10) calendar days.. Following expiration of the ten (10) day appeal period and if no appeal is filed, applicant applies for other appropriate permits and licenses. <i>(Note: If the project is located within the appealable area of the Coastal Zone, an additional ten (10) day appeal period is provided to interested parties).</i></p> <p>Once all applicable appeal periods have expired and no appeals have been filed, or the appeals have been resolved, the applicant may apply for other permits or licenses.</p> <p><b>Process Ends.</b></p>	<p>If Design Review Board takes action to recommend approval of the permit, staff forwards the appropriate report to the Housing and Redevelopment Commission for consideration following a public hearing. The Commission's action on the permit is final. <i>(Note: If the project is located within the appealable area of the Coastal Zone, a ten (10) day appeal period is provided to interested parties).</i></p> <p>Once all applicable appeal periods have expired and no appeals have been filed, or the appeals have been resolved, the applicant may apply for other permits or licenses.</p> <p><b>Process Ends.</b></p>

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